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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,217	08/21/2003	Lewis Albert Haws	ITW-14306	7212
44702	7590	08/25/2004	EXAMINER	
OSTRAGER CHONG FLAHERTY & BROITMAN PC 250 PARK AVENUE, SUITE 825 NEW YORK, NY 10177			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,217	Applicant(s) HAWS, LEWIS ALBERT	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 15-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 14 and 40 is/are rejected.
- 7) ☒ Claim(s) 7-10, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08212003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on 08/02/2004 is acknowledged. Applicant has not argued the restriction, therefore it been made FINAL.

Specification

The disclosure is objected to because of the following informalities: applicant has referred to element 40 on page 10, line 6 as “a cooling station 40” and again on page 11, line 1 as “seal zone 40”.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Fore example “Apparatus for Feeding Zipper with Sliders to Packaging Maching”.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "said first type" in line 5. There is insufficient antecedent basis for this limitation in the claim.

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Claim 40 recites the limitation "said second type" in 7. There is insufficient antecedent basis for this limitation in the claim.

(claim 4, line 2) "a ball screw" is vague and indefinite because it is not clear what applicant is referring to by "a ball screw"?; etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 11, 14, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natterer (5,105,603), in view of applicants background and further in view of Kataoka (4,775,086).

Natterer discloses a system comprising a packaging machine, a zipper processing machine, and a zipper material that travels first through said zipper processing machine and then through said packaging machine (Figs. 1 and 2), wherein said zipper material (8) comprises a first zipper strip interlocked with a second zipper strip (Fig. 6); said packaging machine comprises a joining station (13) whereat a respective portion of said first zipper strip is joined to a respective portion of a packaging material during each work cycle (Fig. 2), and means for advancing said packaging material during each work cycle, each advance being equal in distance to N package lengths, where N is a positive integer greater than unity (Fig. 1; via moving the packaging material to cover more than one formed container, via in stations 13, 14, 15, and 16). Natterer does not disclose that the zipper processing machine comprises a slider insertion device.

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However, applicant's admitted on the background of the specification (page 2, 2nd and 3rd paragraph) zipper processing machine comprises a slider insertion device is available. Natterer neither disclose that a zipper take-up device for accumulating some with a linear accumulator (Fig. 13 via 10 and 24) of said zipper material in a zone between said slider insertion device and said joining station. However, Kataoka discloses a take up tension control device (Figs. 6, 11, and 13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Natterer's system by having the zipper processing machine comprises a slider insertion device, as it is old and well know in the art, in order to have an easy access to the product stored inside the package, and by a take-up device, as suggested by Kataoka, in order to provide the system with a tension controller for controlling the tension in the film or the zipper being taken out (column 3, lines 35-37).

Regarding claims 3-5: Kataoka discloses that the linear accumulator comprises a linear actuator (Fig. 13; via 10 and 24) and a roller (9) wherein the linear actuator comprises a ball screw (Figs. 12 and 13 and column 7, lines 49-53) and a rotary accumulator (Fig. 13) that is displaceable between extended and retracted positions by said linear actuator (Figs. 12 and 13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Natterer's system by having the linear accumulator comprises a linear actuator and a roller that is displaceable between extended and retracted positions by said linear actuator, as suggested by Kataoka, in order to provide the system with a tension controller for controlling the tension in the film or the zipper being taken out (column 3, lines 35-37).

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Regarding claim 6: Kataoka discloses that the rotary accumulator comprises a rotary actuator, a pivotable arm and a roller pivotably mounted to a distal end of said arm, said arm being pivotable between extended and retracted angular positions by said rotary actuator (Figs. 12 and 13; column 7, lines 49-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Natterer's system by having the rotary accumulator comprises a rotary actuator, a pivotable arm and a roller pivotably mounted to a distal end of said arm, said arm being pivotable between extended and retracted angular positions by said rotary actuator, as suggested by Kataoka, in order to provide the system with a tension controller for controlling the tension in the film or the zipper being taken out (column 3, lines 35-37).

Regarding claim 11: Natterer does not disclose that zipper processing machine comprises tension control means for maintaining a substantially constant tension of said zipper material. However, Kataoka discloses that tension control means for maintaining a substantially constant tension of web or film material (Fig. 3; via controller 4b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Natterer's system by having tension control means for maintaining a substantially constant tension of web or film material, as suggested by Kataoka, in order to provide the system with a tension controller for controlling the tension in the film or the zipper being taken out (column 3, lines 35-37).

Regarding claim 14: Natterer discloses the packaging machine further comprises N thermoforming dies for thermoforming respective sections of said packaging material into

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respective pockets, said thermoforming dies being arranged in sequence and located upstream of said joining station (Figs. 1, 4, and 5; via 22).

Allowable Subject Matter

Claims 7-10, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buchman 6293896, Thieman 5956924, Wild 5868658, Kataoka 4708301, sanborn 4437293, Mahaffy 4034536, and Schroeder 3667664 disclose different packaging system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.